



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MARY C. WICKHAM
County Counsel

February 18, 2016

TELEPHONE
(213) 974-1609
FACSIMILE
(213) 626-2105
TDD
(213) 633-0901
E-MAIL
rgranbo@counsel.lacounty.gov

TO: PATRICK OGAWA
Acting Executive Officer
Executive Office Board of Supervisors

Attention: Agenda Preparation *124*

FROM: ROGER H. GRANBO
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Juan Carlos Alamo, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 506 783

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Juan Carlos Alamo, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 506 783 in the amount of \$492,500 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of civil rights violations and State law causes of action after Plaintiff was shot and detained by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Juan Carlos Alamo v. County of Los Angeles
CASE NUMBER	BC 506783
COURT	Los Angeles Superior Court
DATE FILED	4/23/2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 492,500
ATTORNEY FOR PLAINTIFF	FRANK PEREZ Perez & Caballero 714 West Olympic Boulevard, Suite 450 Los Angeles, California 90015 (213)745-6300
COUNTY COUNSEL ATTORNEY	Edwin Lewis Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$492,500, the lawsuit filed by Juan Carlos Alamo and Sandee De La Torre, alleging federal civil rights violations and related State-law claims.</p> <p>The involved Deputies claim their actions were reasonable under the circumstances.</p> <p>Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$492,500 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 92,884
PAID COSTS, TO DATE	\$ 33,711

Case Name: Juan Carlos Alamo v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Wednesday, August 29, 2012 , approximately 5:33 p.m.
Briefly provide a description of the incident/event:	<p><u>Juan Carlos Alamo v. County of Los Angeles, et al</u> Summary Corrective Action Plan 2015-049-01</p> <p>On August 29, 2012, a Los Angeles County Sheriff's Department Narcotics Bureau Detective received information from a confidential reliable informant¹ that two unknown men (plaintiff and passenger) in a black Ford Ranger truck were involved in the transportation of a pound of methamphetamine.</p> <p>The detective briefed a uniformed, two-person patrol unit about the vehicle and its possible link to drug trafficking. The detective advised the deputy sheriffs that if they formed their own independent legal justification to stop, detain, and search the vehicle and its occupants, they should do so.</p> <p>At approximately 5:33 p.m., the deputy sheriffs observed the plaintiff's vehicle driving southbound on Santa Fe Avenue with multiple lawnmowers and other equipment unsecured in the bed of the truck (a violation of California Vehicle Code section 24002, Unsecured Load).</p> <p>The deputy sheriffs initiated an enforcement stop on the plaintiff's vehicle by activating their vehicle's overhead lights and air horn while simultaneously using the vehicle's public address (PA) system to direct the driver of the vehicle to immediately pull to the right side of the road. Instead of pulling to the right and yielding for the traffic stop, the plaintiff's vehicle immediately moved forward and to the left in what appeared to the two deputy sheriffs in an attempt to flee. This erratic driving movement caused the plaintiff's vehicle to collide with the vehicle stopped directly in front of them.</p> <p>Both of the occupants in the plaintiff's vehicle appeared nervous and began making furtive movements towards the center console of the vehicle. The first deputy sheriff (the driver of the patrol car) approached the driver's side of the plaintiff's vehicle. The first deputy issued verbal commands at least three times in English for the vehicle's occupants to show their hands. Both occupants refused to put their hands up and out in front of them (steering wheel or dashboard, respectively) as directed. Without having been instructed to do so, the plaintiff opened the driver's</p>

¹ The confidential informant validation process includes but is not limited to, at least one prior occasion where their information proved to be factual and resulted in a valid arrest, seizure, or conviction (Los Angeles County Sheriff's Department Manual of Policy and Procedures 3-01/110.60).

	<p>door with his left hand while simultaneously lowering his right hand out of view.</p> <p>Believing the plaintiff was arming himself and about to attack her, the first deputy sheriff, in fear for her life, fired three rounds at the plaintiff, striking him two times (Los Angeles County Sheriff's Department Manual of Policy and Procedures 3-10/200.00 Use Of Firearms And Deadly Force).</p> <p>The second deputy sheriff (passenger in the patrol car) was standing on the passenger side of the plaintiff's vehicle. Upon hearing the gunshots, the second deputy sheriff believed the plaintiff was armed and shooting at the first deputy. The second deputy sheriff fired his duty weapon five times as he retreated to their patrol car for cover, striking the plaintiff's vehicle.²</p> <p>Assisting units responded to the location. The occupants of the plaintiff's vehicle were repeatedly given orders in English and Spanish and the suspects would not comply. After repeated orders, the plaintiff and the passenger finally complied. They were subsequently handcuffed and ultimately taken into custody.</p> <p>A search of the plaintiff's truck did not reveal any weapons or narcotics.</p>
--	---

² None of the second deputy sheriff's rounds hit the vehicle's occupants.

1. Briefly describe the **root cause(s)** of the claim/lawsuit:

The **primary** root cause in this incident was the plaintiffs' furtive movements and refusal and/or inability to follow the lawful orders of a Los Angeles County Deputy Sheriff placing her in reasonable fear for her life.

The **secondary** root cause was inadequate planning and poor tactics demonstrated by the two Los Angeles County deputy sheriffs.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau to determine the extent to which one or more members of the Los Angeles County Sheriff's Department engaged in *criminal* misconduct.

The results of the investigation were presented to representatives from the Los Angeles County District Attorney's Office. On April 11, 2013, the Office of the Los Angeles County District Attorney concluded that the deputy sheriffs "acted lawfully in self-defense when they used deadly force."

The incident was subsequently investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau to determine the extent to which one or more members of the Los Angeles County Sheriff's Department engaged in *administrative* misconduct before, during, and/or after the incident.

On October 31, 2013, the results of the administrative investigation were presented to the Los Angeles County Sheriff's Department's Executive Force Review Committee. The members of the committee determined that the deputy sheriff's use of deadly *force* was within Department policy.

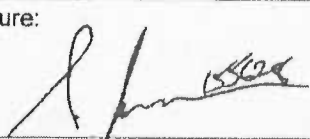
In evaluating this incident, the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee determined that the *tactics* used by the deputy sheriffs were not within Department policy. Consequently, appropriate administrative action was taken.

County of Los Angeles
Summary Corrective Action Plan


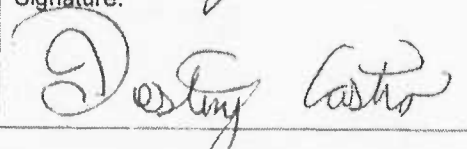
3. Are the corrective actions addressing department-wide system issues?

- ☐ Yes – The corrective actions address department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 1-7-16

Name: (Department Head) Karyn Mannis, Chief Professional Standards Division	
Signature: Karyn Mannis	Date: 01-08-16

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. <input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) 	
Signature: 	Date: 1/11/2015